

CUMBERLAND COUNCIL
CONSULTATION RESPONSE

Proposal: Change of use of ground floor from a betting shop (sui generis) to a bar (use class e)

Address: 54 Market Place, Whitehaven

Reference: 4/23/2274/OF1

Date: 31/10/23

Description: Though presumably much altered and rebuilt, the block of building between Market Place and Swingpump lane is visible in essentially its current outline on the Pellin map of Whitehaven dating from 1695. We can therefore say that the origins of the building are likely 17th century, from the first few decades of modern Whitehaven's existence.

Conclusion: Request further information

Assessment:

- Externally, little change is proposed. I would therefore view the impact on the character and appearance of the conservation area as neutral, if you don't consider the currently impression caused by the vacant building, and positive if you do. Similarly, I would view this as having an overall positive impact on the building itself by giving it a use.
- It would be helpful to have an indication of the proposed signage design – appearance, whether illuminated etc. I would draw attention to our Shop Front Design Guide here, which contains advice on such contexts [Shop Front Design Guide](#).
- As the building apparently has origins in the 17th century, and a long, complex history of alterations, I would be happy to view the interior and offer advice on the building where appropriate as it is a non-designated heritage asset.

Relevant Policies and Guidance:

Section 72 of the 1990 Act states that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of [a conservation] area.”

Paragraph 134 of the National Planning Policy Framework (NPPF) asserts that “Development that is not well designed should be refused”.

NPPF para. 197 states that “In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation...”

NPPF para. 199 states, in the case of designated heritage assets, “great weight should be given to the asset's conservation”, irrespective of whether potential harm is substantial, less-than-substantial, or total loss. Where harm to a designated heritage asset is less-than-substantial, it should be weighed against the public benefits of the proposal (para. 202).

Paragraph 203 of the National Planning Policy Framework (NPPF) states the effect on the significance of a non-designated heritage asset should be taken into account when making decisions.

Referring to assets in a conservation area, NPPF para. 207 states that loss of an element that makes a positive contribution to a conservation area should be treated as either substantial (under para. 201) or less-than-substantial harm (under paragraph 202).

The former Copeland Borough Council's Local Plan contains a number of relevant policies:

- Local Plan Policy ST1C(ii) highlights the importance of protecting, enhancing and restoring the Borough's cultural and heritage features and their settings.
- ST1D emphasises the council's commitment to creating and retaining quality places.
- ENV4A stresses the importance of protecting listed buildings, conservation areas and other features considered to be of historic, archaeological or cultural value.
- ENV4B outlines support for heritage-led regeneration, ensuring assets are put to appropriate, viable and sustainable uses.
- ENV4C aims to strengthen the distinctive character of settlements through high quality urban design and architecture that respect character and setting.
- DM10 emphasises the need for high quality design and quality places. Part B requires design to respond to local character at multiple scales, paying attention to plot size and arrangement, massing and scale, interstitial spaces, and materials. Part C requires the incorporation of existing features such as landscape and vernacular style.
- DM13D outlines the need, in converting non-residential buildings within settlement limits, or in subdividing large residential buildings within settlement limits, for conversion works to conserve the character of the building.
- DM27A outlines support in principle for developments that "protect, conserve and where possible enhance the historic, cultural and architectural character of the borough's historic sites and their settings".
- DM27C outlines the restriction in principle of development within conservation areas to that which preserves or enhances the character or appearance of the area.
- DM27D highlights the necessity of avoiding disrespectful alterations, substantial demolition, adverse effects on setting or views, or changes of use that harm the conservation or economic viability of a listed building.

The Conservation Area Design Guide and Shop Front Design Guide are supplementary planning documents adopted in 2017 and 2021 that are material considerations in the determination of planning applications within conservation areas and affecting shop fronts in the legacy Copeland area. They are therefore applicable to this application.

Sammy Woodford

Conservation and Design Officer